



IEWS WISHES AND FEELINGS STANDARD

COMPLAINTS AND REPRESENTATIONS POLICY

MAYFIELD CHILDRENS HOME

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1 POLICY STATEMENT

Mayfield Children's Home welcomes and encourages feedback from children and young people, their families and others who are involved in their care. We aim to implement an effective complaints policy that will ensure that young people's views, wishes and feelings are heard, and that complaints and representations result in improvements to the service they receive. Our goal is to ensure that every child and young person in our care is able to achieve positive outcomes and that those who are facing problems and challenges are well supported to overcome them.

2 PURPOSE

It is important that children and young people living at the home are supported to raise complaints if they are unhappy with any aspect of their care, that they feel comfortable with the process, and confident that they will receive a proper response to any complaint. Therefore, this policy has been implemented to set out the procedures for representations, including complaints, and aims to ensure that young people's views are respected and acted upon. This policy is available on the PJJ Healthcare website, to young people, their families, staff, other agencies, and professionals who wish to make a complaint on behalf of a young person. PJJ Healthcare recognises that employees may wish to make complaints regarding matters that are not on behalf of young people or relating to the care they receive. In such cases, employees should refer to the company's grievance policy and procedure.

3 PRACTICES AND PRINCIPLES

- Complaints and suggestions relating to quality of care are encouraged and welcomed as a way of ensuring that any dissatisfaction with the quality of service provided by the Home is brought to the attention of the Registered Manager.
- Staff encourage children and young people to share any concerns about their care or other matters as soon as they arise, and are creative in their approach to supporting young people with learning and communication needs to raise issues or complaints. Staff have an excellent understanding of young people's values and beliefs and they communicate with children and young people in ways that work for them.
- Young people's relatives are actively and closely involved in decisions regarding the young people's care and needs, and the home values the importance of creating strong networks of support around young people with learning and communication difficulties in order for the young person to be effectively advocated for.
- A culture of openness and transparency is promoted in the home and staff who build positive relationships with the young people, raise complaints on the young people's behalf when issues arise or when standards of care fall below what is expected.
- There is no restriction on what may be reasonably complained about and all complaints or grievances will be investigated subject to the procedures set out in this policy.
- Staff understand that they have a responsibility to observe, notice and respond to children who are expressing their views non-verbally, acknowledging that it is not the sole responsibility of the child to 'tell'.
- To enable young people to easily access and fully understand the complaints procedure, it is included in the young people's guide in a user-friendly format. Young people are provided with a guide when their placement begins, when updates are made and upon request at any time.
- The home upholds its strong anti-discriminatory values and will ensure that no child is subject to any reprisal for making a complaint. PJJ Healthcare will not tolerate the victimisation of complainants (children or adults) and will take all necessary measures to protect those who make representations in good faith.
- All children and young people will have access to independent advocacy to ensure they have the support they need to express their views, wishes and feelings. Where possible this will be provided by a person the child chooses.
- The home ensures that children and young people understand their rights as a looked-after child, or child living in a children's home. The young person's guide contains contact details for the Office of the Children's Commissioner for advice and assistance about their rights and entitlements.
- Young people see their advocates at least twice per month. This is especially important for young people who do not communicate verbally, in order that their views are heard and that representations can be made on their behalf.
- No person who is the subject of a complaint will take any part in its consideration or investigation, except at the informal resolution stage if the Registered Manager considers it appropriate.
- Staff will be well trained in listening to, and dealing with, complaints from children and young people.

- In the event of a complaint raising child protection concerns, the safeguarding policy and its procedures will be followed, and the safety of the child will be prioritised. In such cases the Registered Manager will notify all relevant agencies, including Ofsted.
- Any complaint that is deemed as serious and involves a staff member working at the home shall be referred to the Local Authority Designated Officer for guidance and reported to Ofsted as a Notification of Significant Events. This would be dealt with and recorded as an Allegation, rather than a complaint and the Safeguarding policy will be followed.
- Normally the Registered Manager will oversee the complaints process to the satisfaction of all parties. If the complaint is not resolved through the Registered Manager, the complainant has the right to raise their complaint to Head of Development and Commissioning, or in their absence, a Director.
- If the Registered Manager is the subject of the complaint, the complaint should be dealt with by the Head of Development and Commissioning in the first instance, or in their absence, a Director.
- For complaints that relate to the conduct of employees, the Registered Manager will oversee the process in consultation with Citation, including investigation and will follow the disciplinary or grievance policy as appropriate.
- All complaints, whether verbal, written, low level or formal will be recorded via the homes complaints systems, and stored in the complaints file. Records will clearly detail the nature of the complaint, the action that was taken, the outcome of any investigation and whether the complainant was satisfied with outcome.

4 RELATED DOCUMENTS

In order for this policy and its procedures to be effective, it must be read alongside the following related organisational documents:

- External complaints policy
- Grievance policy
- Safeguarding policy
- Disciplinary policy
- Children's Rights policy
- Young peoples views, wishes and feelings policy
- Whistleblowing policy
- Equality and diversity policy
- Employee handbook

5 LEGISLATION AND GUIDANCE

PJL Healthcare Ltd is committed to adopting the best practice and upholds its legal responsibility to ensure that the relevant legislation and guidance is applied to its policies. The below legislation and literature has guided this policy and its procedures.

- Children's Homes Regulations (England) 2015
- Guide to the children's homes regulations including the quality standards 2015
- The Children Act 1989 & 2004 (as amended)
- The United Nations convention on the Rights of the Child 1992
- The Equality Act 2010.
- The Children and Families Act 2014
- The Human Rights Act 1998
- Common Principles for a Child Friendly Complaints Process – the Children's Commissioner
- NHS Ask Listen Do - Making feedback, concerns and complaints easier for people with a learning disability, autistic people, families and carers
- Get it sorted – providing effective advocacy services for children and young people making a complaint under the children act 2004
- Getting the Best from Complaints – Social Care Complaints and representations for Children, Young People and Others
- DBS barring referral guidance 2013
- Waterhouse inquiry, Lost in Care

6 VERBAL COMPLAINTS

Verbal complaints will be dealt with in the same manner as written complaints. A verbal complaint should not be regarded as less serious because it has been made verbally and best practice should be maintained in line with the principles and procedures set out in this policy.

Consideration must be given to the nature of a children's home and the various factors that make it more likely for young people to make complaints verbally than in writing, such as the relationships they have with staff, the informal environment of the home or potential learning and communication needs of young people. This places a responsibility on all staff to have a good understanding of the complaints procedures and to promote a culture of transparency and openness.

Some young people may express their complaint nonverbally. It is therefore the responsibility of those looking after the young person to recognise symptoms that a young person is unhappy and act in the best interests of the young person.

All staff working at the home are potential recipients of verbal complaints from young people, visitors, and professionals, so have an important role to play in ensuring that issues raised are dealt with promptly, in the correct way, to the satisfaction of all parties.

Verbal complaints from young people:

1. Check that the young person feels comfortable speaking to you, they may prefer to speak to someone else and if so, provide information of who else is available in the home.
2. Ensure that the young person is properly supported to communicate their complaint in a way that is helpful for them and their needs.

Note: Staff members should be flexible and adaptable in their approach - the young person may not wish to have a 'sit down' conversation with the staff member, it is possible that a young person may choose to keep it brief or they may express their complaint when feeling upset or heightened. In such cases the complaint should still be dealt with in line with this policy.

3. Include the young persons advocate in the complaint process. Young people who do not communicate verbally will especially require this support.
4. Staff should seek to ascertain the outcome the young person would be most happy with. This may not always be possible to achieve but it helps to clarify the nature of the complaint.
5. The priority will be for the staff member to consider the severity of the complaint which will inform the next steps. The staff member should discuss the verbal complaint with the Manager on duty at the earliest opportunity to ensure that it is defined and responded to appropriately.

Depending on the seriousness of the verbal complaint, it will be dealt with under one of the following procedures.

- Low level (see section 7)
 - Informal (see section 8)
 - Formal (see section 9)
 - Safeguarding (Any complaint that is related to any element of safeguarding should be responded to in line with the safeguarding policy)
6. The staff member receiving the verbal complaint must make a record using the appropriate form (see section 11)
 7. Once the nature of the complaint has been determined, then the appropriate procedure will be followed.

In some instances, a child may express wishes that are not always in their best interests or which may conflict with the views of other children in the home. In such circumstances, the responsible adults will have to balance the wishes of the child against what they judge to be in the best interests of the child and reach a reasonable view about the best way forward in the interests of all. The reasons for reaching any decision will need to be carefully explained to and understood by the child or children concerned.

Verbal complaints and representations made by others:

8. When an issue is raised by an adult on the behalf of a child or young person, or concerns and issues are raised in relation to the quality of care in general, then this should be treated as a complaint and recorded.
9. The complainant should be asked to put their complaint in writing and should be given a copy of the complaints procedure which contains the details of to whom written complaints should be sent.

10. If the complainant does not wish to raise the issue in writing, then the person receiving the complaint should record the information on a verbal complaints form and read it back to the person to ensure they have accurately recorded what the person wishes to say.
11. The person receiving the verbal complaint should explain to the complainant that their complaint will be passed onto the Manager and they will be in touch within the next two working days to explain the next steps.
12. The Manager should make an assessment as to whether the seriousness of the complaint requires an informal or formal procedure then follow the appropriate process.

7 LOW LEVEL COMPLAINTS

It is understandable and expected that children and young people will at times express dissatisfaction or frustration to staff, and it is important that they feel able to do so. Children and young people who feel safe to communicate their views and complain when they are unhappy is a reflection of secure and trusting relationships and should be viewed positively and encouraged by those working with them.

'Low level' complaints are received from children and young people and are usually made verbally. Low level complaints are not serious in nature therefore do not require a formal resolution process, however it is important that they are taken seriously by staff and that all young people making a low-level complaint receive a proper response, in order for them to feel valued and listened to.

Low level complaints are often characterised by a young person feeling 'disgruntled' or 'frustrated' about an experience in the home, generally in day-to-day life, and can usually be resolved immediately by a staff member, as the issue arises. It is important that records are made of all low-level complaints, as this provides evidence of how well the home responds to the views, wishes and feelings of children.

Some examples of low-level complaints are:

- Issues with transport
- Unexpected changes to plans
- Meal times
- Decisions made by staff members
- Issues with facilities
- The behaviour of others
- Lost property

Procedure for low level complaints:

1. Be supportive to the young person and show understanding.
2. Let the young person know what you're going to do to rectify the issue and if appropriate, include them in the process by asking how they would like you to deal with it.
3. Tell the young person that you'll let them know once you have dealt with the issue.
4. Inform the Manager on duty of the low level complaint.
5. It is the responsibility of the person who received the complaint to see it through to the final stage, to avoid delays and miscommunication as this could lead to damaged trust and escalated complaints.
6. If the staff member dealing with the complaint isn't going to be at the home to feedback the outcome to a young person, then they should write the young person a note, and give them the name of a staff member they are able to discuss the outcome with if they wish, and ensure that the appointed staff member has a good knowledge of the complaint and action taken.
7. Once feedback has been given to the young person, it is important that the young person is asked if they are happy with the outcome.
8. Record the complaint in the low level complaints log.
9. If the problem cannot be resolved immediately (within 24 hours) or is a more serious matter, then it may be necessary to take the matter to the stage 1 of the complaint's procedure. In such cases, staff should explain what happens next, give the young person a summary of the child friendly complaints procedure and go through it with them so that they

understand the process. Help (if appropriate) the young person to make a written complaint using a young person's complaint form.

8 INFORMAL PROCEDURE (Stage 1)

Complaints made verbally or in writing should initially be brought to the attention of the Registered Manager, who will clarify the nature of the complaint and decide that an informal resolution is appropriate. Informal complaints are those which can usually be resolved by the Registered Manager and the complainant. In many cases the best way to resolve a complaint is directly with those concerned.

1. The Registered Manager will acknowledge the complaint in writing within two working days and will speak to the complainant to identify satisfactory outcomes with them.
2. The Registered or deputy Manager will then make a preliminary investigation of the complaint and decide on a course of action.
3. The Manager dealing with the issue raised will then seek to resolve the complaint to the satisfaction of the complainant within 5 working days.
4. A record of the investigation and outcome will be made, and a copy will be given to the complainant as well as any other relevant people such as a young person, family member, social worker or Ofsted.
5. If the complainant is not satisfied with the outcome then it may be necessary to move onto stage 2 so the matter can be addressed formally.

9 FORMAL PROCEDURE (Stage 2)

The formal complaints procedure should be followed for instances when the complainant is not satisfied with the informal resolution, or when a complaint has been received which, the Registered Manager considers serious enough to require formal investigation. Formal complaints may be made by young people, family members, staff or other professionals.

1. Individuals must raise formal complaints in writing to the homes Registered Manager. Written complaints should include the complainants contact details such as email address, home address and telephone number.
2. The Registered Manager will acknowledge the complaint in writing within two working days.
3. The Board of Directors will be notified that a formal complaint has been received.
4. An investigation will be carried out by a Manager who hasn't been involved in the complaint previously (this will usually be the Head of Development and Commissioning if the Registered Manager has already attempted to resolve the complaint at an informal stage). The investigation will be in line with the following guidelines:
 - The person investigating must establish if the complainant requires/needs independent support, advice, and advocacy – and provide it if required.
 - The investigator must gather copies of all relevant documents/correspondence etc.
 - The investigator must keep a note of all conversations, meetings, actions as the investigation proceeds.
 - Where staff are complained about or may have relevant information or evidence they must be interviewed, with a representative if required, and given all reasonable opportunity to give their own explanation. Notes of these interviews must be copied to the individual concerned.
 - The person investigating should consult their own Manager along the way and do all that is reasonable to establish the facts and resolve the matter satisfactorily.
5. The investigator will respond to the complainant both verbally and in writing within 25 days, outlining their findings and recommendations to resolve the issue as follows:

If the complaint is upheld:

- An explanation of what happened and why.
- The corrective action to be taken.
- Who will be responsible for implementing corrective action, time limits and who to contact if the action is not taken.

- The steps which will be taken to prevent reoccurrence.
- Details of who to contact if the person is dissatisfied with the Investigators response including information about referring the matter to an external agency for independent investigation.

If the complaint is partly or not upheld at all

- An explanation of why the complaint has not been upheld.
 - Details of who to contact if the person is dissatisfied with the Investigators response including information about referring the matter to an external agency for independent investigation.
6. Where it is not possible to complete the investigation within 25 working days, Stage 2 may be extended to a maximum of 65 working days. All extensions should be agreed by a Director. The complainant should be informed of the reasons for the delay and a date for completion in writing.
 7. The complainant will be given 28 days to make an appeal after which it will be assumed that the individual is satisfied.
 8. Where it is necessary to take corrective action, the Manager must ensure this occurs and that, as necessary, staff are briefed of the changes which have implemented.
 9. The Registered Manager must ensure that full and accurate records are complete and stored as set out in *section 11*.

10 APPEAL (Stage 3)

This complaints procedure is designed to ensure, as far as possible, that complaints regarding the services provided by the Home are dealt with internally, and hopefully, to the satisfaction of the resident and/or their representative. However, we understand that there may be occasions when individuals are not satisfied with the outcome of an investigation and may wish to take their complaint further. In such cases then the complainant can do so in one of the following ways:

- Contact the Responsible Individual in writing to explain your concerns and why you feel that the home has been unsuccessful in reaching a satisfactory resolution.
- If individuals wish to raise concerns externally to the home or organisation, in order for them to be independently investigated by a person not employed by P JL Healthcare, they have the right to raise their concerns to the placing authority of the young person concerned, via the relevant authority's complaints procedure, which is provided to all young people. Or;
- Complainants may wish to escalate their complaint to our registration and governing body, who is Ofsted.

Ofsted

Piccadilly Gate

Store Street

Manchester

M1 2 WD

www.gov.uk/government/organisations/ofsted

Other external agencies who are able support young people and families to raise complaints or concerns relating to the home are provided in *section 13*.

11 RECORDS

Mayfield Children's Home is required by Regulation 39 (3) of the Children's Homes Regulations 2015 to ensure that a record is made of all complaints, the action taken in response and the outcomes of any investigations. Records are important to help identify trends and inform service improvement. The home will keep a complaints file where all records of complaints and the procedure followed will be securely stored and available to Ofsted upon request. Where appropriate copies will also be kept in young person's and staff files as required.

Verbal complaints:

When a verbal complaint is received and the individual does not wish or is not able to put their complaint in writing themselves, then the person receiving the complaint should complete a verbal complaints form. It is important that the written summary of the complaint is read back to the complainant to ensure that it is accurate.

Low level complaints:

'Low level' complaints should be recorded in the 'low level complaints log' and the member of staff should ensure they record the action taken, and check and record that the young person is happy with the outcome.

Any low level concerns that may be raised by young people are recorded by staff on a daily basis and are communicated in daily handovers. These are quality assured by Manager to ensure that 'low level' issues should not be instead defined as a complaint and ensure that each entry has been responded to appropriately.

Informal and formal complaints:

Managers and directors must ensure that thorough records are kept throughout every stage of a complaint procedure, such as investigations, and outcomes, including written records of all conversations, meetings or discussions relating to the complaint.

Complaints and outcomes should be recorded in the Complaints Log which must be signed off by the Manager responsible and then checked and signed by a Director or Registered Manager as appropriate.

12 QUALITY ASSURANCE AND MONITORING

The home reports all complaints through monthly reports to social workers and where appropriate, family members. These are monitored and reviewed during monthly strategic meetings to reflect upon outcomes, learning and if any changes to procedures are required.

The home welcomes the Independent Visitor every month, they review any complaints made and include these into their report to the organisation and Ofsted.

The Manager is responsible for monitoring any complaints at the home and tracking themes so they can utilise learning opportunities to improve the care provided to children, these are reflected in the 6 monthly quality of care review (Regulation 45).

The home is inspected annually by Ofsted. At every inspection the Registered Manager supplies the inspector with a summary of all complaints made in the preceding 12 months, including the action taken and outcome.

13 IMPORTANT CONTACTS

Oliver White **Registered Manager:**
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Email: oliver.white@mayfieldchildrenshome.co.uk
Address: Mayfield House
 East Street
 Mayfield
 East Sussex
 TN20 6TZ

Leah Thompson **Director:**
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Paul Sellars **Responsible Individual:**
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Email: paul.sellars@pjlhealthcare.co.uk

Janis Thompson **Director:**
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Chris Coleman- **Head of Development & Commissioning:**
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East Sussex
TN20 6TZ

The Children's Commissioner -

Website: www.childrenscommissioner.gov.uk/
Email: info.request@childrenscommissioner.gov.uk
Tel: 020 7783 8330
Address: Children's Commissioner for England
Sanctuary Buildings
20 Great Smith Street
London
SW1P 3BT

Help at Hand (*Advice and help for children in care or living away from home*)-

Website: <https://www.childrenscommissioner.gov.uk/help-at-hand/>
Email: help.team@childrenscommissioner.gov.uk
Tel: 0800 528 0731